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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,725	08/19/2003	Chieh-Cheng Yen	MR929-905	3805
4586	7590	11/17/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/642,725	YEN ET AL.
Examiner	Art Unit	
Melanie Torres	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Colemere, Jr.

Re claims 1-3, 6, 7, 11, 12, 16 and 17 Colemere, Jr. discloses an early warning braking system for automobiles mainly relies on an electronic detector (500) installable over and above an accelerator pedal (302) or in the vicinity of the accelerator pedal to monitor a driver's foot motion, and the electronic detector is connected to a control circuit that is linked to a pre-braking signal light (706), such that when the driver's foot is withdrawn from the accelerator pedal, the electronic detector receives signals of the foot motion, and a control circuit then causes a pre-braking signal light (706) to be turned on for forewarning drivers in following cars of impending braking.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 8-10, 13-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colemere, Jr.

Re claims 4, 5, 14 and 15, Colemere, Jr. does not teach wherein the electronic detector is an infrared sensing means or an optical sensing means. It would have been an obvious matter of design choice to have provided either an infrared sensor or an optical sensor as the sensor means of Colemere, Jr. since applicant has not disclosed that the optical sensor or infrared sensor solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any motion detecting means. Further, optical and infrared sensor are well known in the art for motion detection.

Re claims 8-10 and 18-20, Colemere, Jr. teaches wherein the pre-braking signal light can be combined with a regular braking light. However, Colemere, Jr. does not teach using a filament light apparatus, where one filament represents the pre-braking signal light and the other filament represent a regular braking light for dual function display. Further, Colemere, Jr. does not teach wherein the pre-braking signal light can be set up by the control circuit for continuous lighting or flashing mode. It would have been an obvious matter of design choice to have provided any of the signal means above since applicant has not disclosed that the filament apparatus, continuous lighting or flashing mode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any visual light alert.

Art Unit: 3683

Re claim 13, Colemere, Jr. does not teach wherein the electronic detector can be installed on the brake pedal. It would have been an obvious matter of design choice to have positioned the sensor on the brake pedal since applicant has not disclosed that such a placement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with sensor placement in any position in the proximity of the driver's foot.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shyu discloses a collision warning system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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November 14, 2004